

**APPENDIX D**

**NOTICE OF LAND USE RESTRICTIONS  
AND INSTITUTIONAL CONTROLS**

This instrument prepared by and  
mail to after recording to:

Mark J. Steger  
Holland & Knight LLP  
131 S. Dearborn St., 30<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 715-5753 phone  
(312) 578-6666 fax

Property Index Number:

ADDRESS  
OF PROPERTY:

Waukegan, Lake County, Illinois

**FOR RECORDER'S USE ONLY**

**NOTICE OF LAND USE RESTRICTIONS AND INSTITUTIONAL CONTROLS**

Larsen Marine Services, Inc., an Illinois corporation ("Larsen"), the current owner of a parcel of real estate located in Waukegan, Lake County, Illinois and more particularly described on Exhibit A, attached hereto and made a part hereof (the "Property"), hereby makes the following Notice of Land Use Restrictions and Institutional Controls on this \_\_\_ day of \_\_\_\_\_, 200\_\_.

A. The Property is part of the Waukegan Manufactured Gas and Coke Plant Site, Operable Unit 2 of the Outboard Marine Corporation Superfund Site

("the Site"), which the U.S. Environmental Protection Agency ("U.S. EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983, 48 Fed. Reg. 40658.

B. U.S. EPA Region 5 Regional Administrator selected a remedial action for the Site embodied in the Record of Decision dated September 30, 1999 (the "ROD") that requires the imposition of certain land use restrictions and institutional controls on the Property as set forth in the Consent Decree and the Declaration of Environmental Easement and Restrictive Covenants dated \_\_\_\_\_, 2004 and recorded \_\_\_\_\_, 2004 at the Office of the Recorder of Deeds for Lake County, Illinois as Doc. No. \_\_\_\_\_.

C. Potentially responsible parties have entered into a Consent Decree to implement the remedial action set forth in the ROD. The Consent Decree was entered on \_\_\_\_\_, 2004 ("Consent Decree"), resolving the case of *United States of America and the State of Illinois v. The City of Waukegan, Elgin, Joliet & Eastern Railway Company, General Motors Corporation, Larsen Marine Services, Inc. and the North Shore Gas Company*, Civil Action No. \_\_\_\_\_ (N.D. Ill.).

IN WITNESS WHEREOF, this Notice has been duly executed by Larsen effective as of the date first indicated in this Notice.

**LARSEN:**

Larsen Marine Services, Inc., an Illinois

By: \_\_\_\_\_  
President

STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF \_\_\_\_\_)

I, \_\_\_\_\_, notary public in and for said county and state aforesaid, do hereby certify that \_\_\_\_\_, President, Larsen Marine Services, Inc., personally known to me to be the same person whose name is subscribed to the foregoing instrument as such President, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purpose therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_\_\_, 2004.

SEAL

\_\_\_\_\_  
Notary Public

My commission expires:

**EXHIBIT A**

The Property is legally described as follows:

# 1542932\_v1

\\REA\202558.1